



General Assembly

Substitute Bill No. 728

January Session, 2003

**AN ACT REQUIRING CRIMINAL BACKGROUND CHECKS FOR
NURSING HOME EMPLOYEES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-491b of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) Any person who is licensed to establish, conduct, operate or
4 maintain a nursing home shall notify the Commissioner of Public
5 Health immediately if the owner, conductor, operator or maintainer of
6 the home, any person described in subdivision (3) of subsection (a) of
7 section 19a-491a, [or] any nurse or nurse's aide or any employee of a
8 nursing home who provides direct care to a resident of a nursing home
9 has been convicted of (1) a felony, as defined in section 53a-25, (2)
10 cruelty to persons under section 53-20, or (3) assault of a victim sixty or
11 older under section 53a-61a; or has been subject to any decision
12 imposing disciplinary action by the licensing agency in any state, the
13 District of Columbia, a United States possession or territory or a
14 foreign jurisdiction. As used in this section, "direct care" means hands-
15 on-care, including, but not limited to, feeding, bathing, toileting,
16 dressing, lifting and moving of such residents. Failure to comply with
17 the notification requirement shall subject the licensed person to a civil
18 penalty of not more than one hundred dollars.

19 (b) Each nursing home shall require [a] any person described in

20 subdivision (3) of subsection (a) of section 19a-491a, [or a] any nurse or
 21 nurse's aide and any person applying for employment as a provider of
 22 direct care to complete and sign an application form which contains
 23 questions as to whether the person has been convicted of any crime
 24 specified in subsection (a) of this section or has been subject to any
 25 decision imposing disciplinary action as described in said subsection.
 26 Any person seeking employment in a position connected with the
 27 provision of care in a nursing home who makes a false written
 28 statement regarding such prior criminal convictions or disciplinary
 29 action shall be guilty of a Class A misdemeanor.

30 (c) The Commissioner of Public Health shall require each initial
 31 applicant described in subdivision (1) of subsection (a) of section 19a-
 32 491a to submit to state and national criminal history records checks
 33 and each initial applicant for a direct care provider position at a
 34 nursing home to submit to a state criminal history records check. The
 35 criminal history records checks required by this subsection shall be
 36 conducted in accordance with section 29-17a.

37 (d) When hiring or continuing the employment of a direct care
 38 provider, each nursing home shall consider the level and seriousness
 39 of any crime revealed from the results of the criminal background
 40 check required under this section in addition to the following factors:
 41 (1) When such crime occurred, (2) the age of the applicant at the time
 42 of conviction, (3) circumstances surrounding the crime, (4) the
 43 relationship between the crime and the applicant's job duties, and (5)
 44 the applicant's criminal and corrections record since such crime.

| | |
|--|-----------------|
| This act shall take effect as follows: | |
| Section 1 | October 1, 2003 |

AGE *Joint Favorable Subst. C/R*

PH

PH *Joint Favorable*